

# Michigan Law Review

---

Volume 79 | Issue 5

---

1981

## Front Matter

Michigan Law Review

Follow this and additional works at: <https://repository.law.umich.edu/mlr>

---

### Recommended Citation

Michigan Law Review, *Front Matter*, 79 MICH. L. REV. i (1981).

Available at: <https://repository.law.umich.edu/mlr/vol79/iss5/1>

This Front Matter is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact [mlaw.repository@umich.edu](mailto:mlaw.repository@umich.edu).

# Michigan Law Review

**VOLUME 79  
1980-1981**

The University of Michigan  
Law School

1981

Michigan Law Review  
Ann Arbor, Michigan 48109

# Michigan Law Review

---

Vol. 79, No. 5

April 1981

## CONTENTS

### ARTICLES

CONSTITUTIONAL INTERPRETATION ..... *Terrance Sandalow* 1033

### NOTES

PROSPECTIVE WAIVER OF THE RIGHT TO DISQUALIFY COUNSEL  
FOR CONFLICTS OF INTEREST..... 1074

IMPLYING A CAUSE OF ACTION UNDER SECTION 503 OF THE  
REHABILITATION ACT OF 1973..... 1093

SET-OFFS AGAINST BACK PAY AWARDS UNDER THE FEDERAL AGE  
DISCRIMINATION IN EMPLOYMENT ACT ..... 1113

## RECENT BOOKS

### BOOK REVIEWS

Milsom: *The Legal Framework of English*

Feudalism ..... *Robert C. Palmer* 1130

BOOKS RECEIVED ..... 1165

## PERIODICAL INDEX

SUBJECT INDEX of Articles, Comments, Notes, and Recent

Developments Appearing in Leading Law Reviews ..... 1167

---

The design on the cover is taken from an etching of The University of Michigan Legal Research Building.

Published monthly November, December, January, March, April, May, June, and August at Lincoln, Nebraska. Printed at Joe Christensen, Inc., Lincoln, Nebraska 68521. Second-class postage paid at Ann Arbor, Michigan, and additional mailing offices. (ISSN 0026-2234).

Subscriptions: United States, \$20 per year in advance, eight numbers; Foreign, \$22.

Current Volume: Single Issues, \$4.50 (March 1981 issue \$8.00), postpaid, at Editorial and Business Offices.

Back issues and volumes (before Nov. 1980) available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209.

Because back stock of the *Review* is turned over to a dealer, back numbers are available to the *Review* for a short time only. It is therefore necessary to ask that subscribers report the nonreceipt of copies within six months of the mailing date.

Editorial and Business Offices:

Michigan Law Review  
Hutchins Hall  
Ann Arbor, Michigan 48109

We gladly consider unsolicited manuscripts for publication. We regret that we can return only those manuscripts for which we receive postage and handling fees of \$3 for first-class and \$1 for special fourth-class mail.

# Michigan Law Review

---

Vol. 79, No. 5

April 1981

## EDITORIAL BOARD

### *Editor-in-Chief*

KENT D. SYVERUD, *of New York*

### *Managing Editor*

ROBERT W. FULTON, *of Minnesota*

### *Note Editors*

DAVID LEE DE BRUIN, *of Wisconsin*  
JEFFREY A. HOLLINGSWORTH, *of Michigan*  
GWEN THAYER JOHNSON, *of Michigan*  
RANDALL ROBERT KAPLAN, *of North Carolina*  
DOUGLAS BARRACK LEVENE, *of Massachusetts*  
ALAN A. PEMBERTON, *of Delaware*

### *Administrative and Article Editors*

JOEL I. BENNETT, *of Florida*  
SCOTT W. HOWE, *of Missouri*  
RONALD A. SARACHAN, *of Rhode Island*

### *Special Issues Editor*

DAVID REX HAZELTON, *of Michigan*

### *Research and Development Editors*

MARY FRANCES HARKENRIDER, *of Illinois*  
KENNETH C. MENNEMEIER, *of Illinois*

### *Senior Editors*

BENJAMIN CALKINS, *of Michigan*  
SUE BASZLER GEIERSBACH, *of Michigan*  
DEBORAH E. GREENSPAN, *of Michigan*  
HOWARD N. HENICK, *of New York*  
BARBARA SHOOLTZ KENDZIERSKI, *of Michigan*  
KERRY WILLIAM KIRCHER, *of Iowa*

THOMAS E. MAIER, *of Michigan*  
THOMAS L. PETERS, *of Pennsylvania*  
WILLIAM F. SEABAUGH, *of Missouri*  
GLENN A. SHANNON, *of New York*  
MARK A. THOMPSON, *of Iowa*  
CYNTHIA FICKE WISNER, *of Ohio*

### *Associate Editors*

DAVID C. BAHL, *of Iowa*  
GEOFFREY BESTOR, *of Massachusetts*  
JAMES ELLIS BRANDT, *of New York*  
THOMAS W. BRIGGS, *of Oklahoma*  
DAVID W. BURHENN, *of Michigan*  
ANDREA A. DARVAS, *of Michigan*  
RALPH C. DERBYSHIRE, *of Massachusetts*  
NANCY E. FREDMAN, *of Michigan*  
NINA D. GILLMAN, *of New York*  
ALAN E. GITLES, *of Illinois*  
ARTHUR I. HARRIS, *of Ohio*  
DOUGLAS E. HART, *of Indiana*  
STEFAN B. HERPEL, *of Michigan*  
CATHERINE L. JAMES, *of Iowa*  
JONATHAN A. KROMAN, *of Michigan*  
PETER M. LIEB, *of New York*

STEVE MAC ISAAC, *of Michigan*  
PETER C. MANBECK, *of Connecticut*  
MICHAEL P. MCGEE, *of Michigan*  
JEFFREY P. MINEAR, *of Utah*  
KIT G. PIERSON, *of Oregon*  
RICHARD E. SARVER, *of Washington*  
SUE A. SIKKEMA, *of Michigan*  
BERNARD A. SMITH, *of Ohio*  
THOMAS G. STACY, *of Michigan*  
STUART ALAN STREICHLER, *of Ohio*  
MARK P. TANOURY, *of Ohio*  
GREGORY F.W. TODD, *of New York*  
REBECCA K. TROTH, *of Minnesota*  
MARK VAN PUTTEN, *of Michigan*  
ROBB L. VOYLES, *of Ohio*  
RICHARD I. WERDER, JR., *of New York*

### BUSINESS MANAGER

Eleonora V. Eckert

### SECRETARY

Irma Kay Marsh

# UNIVERSITY OF MICHIGAN LAW SCHOOL

## *Administrative Officers*

HAROLD T. SHAPIRO, B.A., M.A., PH.D., *President of the University*  
 BILLY E. FRYE, M.S., PH.D., *Vice President for Academic Affairs*  
 TERRANCE SANDALOW, A.B., J.D., *Dean*  
 JAMES J. WHITE, B.A., J.D., *Associate Dean*  
 SUSAN M. EKLUND, A.B., J.D., *Assistant Dean*  
 ALLAN T. STILLWAGON, A.B., M.A., *Assistant Dean and Admissions Officer*

## *Professors Emeriti of Law*

WILLIAM W. BISHOP, JR., A.B., J.D.  
 WILLIAM W. BLUME, A.B., LL.B., S.J.D.  
 MARVIN L. NIEHUSS, A.B., LL.B.  
 S. CHESTERFIELD OPPENHEIM, A.B., A.M., J.D., S.J.D.  
 GEORGE E. PALMER, A.B., J.D., LL.M.  
 RUSSELL A. SMITH, A.B., J.D.

## *Professors of Law*

FRANCIS A. ALLEN, A.B., LL.B., J.D., LL.D., <i>Edson R. Sunderland Professor of Law</i>	RICHARD O. LEMPert, A.B., J.D., PH.D.
LAYMAN E. ALLEN, A.B., M.P.A., LL.B.	JAMES A. MARTIN, B.S., M.S., J.D.
MORRIS S. ARNOLD,* B.S.S.E., LL.B., LL.M., S.J.D.	JACK RICHARD PEARCE, A.B., LL.B.
VINCE A. BLASI, B.A., J.D.	WILLIAM J. PIERCE, A.B., J.D.
LEE C. BOLLINGER, B.S., J.D.	MARCUS L. PLANT, B.A., M.A., J.D.
OLIN L. BROWDER, JR., A.B., LL.B., S.J.D., <i>James V. Campbell Professor of Law</i>	BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D.
DAVID L. CHAMBERS, A.B., LL.B.	WILLIAM C. POWERS, JR.,* B.A., J.D.
ALFRED F. CONARD, A.B., LL.B., LL.M., J.S.D., LL.D., <i>Henry M. Butzel Professor of Law</i>	ROY F. PROFFITT, B.S.BUS. AD., J.D., LL.M.
EDWARD H. COOPER, A.B., LL.B.	JOHN W. REED, A.B., LL.B., LL.M., JUR.SC.D.
LUKE K. COOPERRIDER, B.S., J.D.	DONALD H. REGAN, A.B., LL.B., B.Phil.
ROGER A. CUNNINGHAM, S.B., J.D.	GERALD M. ROSBERG,** B.A., J.D.
SAMUEL D. ESTEP, A.B., J.D.	THEODORE J. ST. ANTOINE, A.B., J.D.
WHITMORE GRAY, A.B., J.D.	TERRANCE SANDALOW, A.B., J.D.
THOMAS A. GREEN, B.A., PH.D., J.D.	JOSEPH L. SAX, A.B., J.D.
ROBERT J. HARRIS,† B.A., LL.B.	ALLAN F. SMITH, A.B.ED., LL.B., LL.M., S.J.D.
JEROLD H. ISRAEL, B.B.A., LL.B.	PHILIP SOPER, B.A.; M.A., J.D., PH.D.
JOHN H. JACKSON, B.A., J.D.	ERIC STEIN, J.U.D., J.D., DR.H.C., DR.H.C., <i>Hessel E. Yntema Professor of Law</i>
DOUGLAS A. KAHN, B.A., J.D.	PETER O. STEINER, A.B., M.A., PH.D.
YALE KAMISAR, A.B., LL.B., LL.D., <i>Henry King Ransom Professor of Law</i>	JOSEPH VINING, B.A., M.A., J.D.
THOMAS E. KAUPER, A.B., J.D.	LAWRENCE W. WAGGONER, B.B.A., J.D., D.Phil.
FRANK R. KENNEDY, A.B., LL.B., J.S.D., <i>Thomas M. Cooley Professor of Law</i>	ANDREW S. WATSON, B.S., M.D., M.S. IN MED.
KARL E. KLARE,* B.A., M.A., J.D.	PETER K. WESTEN, B.A., J.D.
	JAMES J. WHITE, B.A., J.D.
	L. HART WRIGHT, A.B., J.D., LL.M., <i>Paul G. Kauper Professor of Law</i>

## *Associate Professors of Law*

WILLIAM J. ADAMS, A.B., A.M., PH.D.	SALLYANNE PAYTON, A.B., LL.B.
ROY J. DANIEL,†† B.S., B.A., J.D.	STEVEN D. PEPE, B.A., J.D., LL.M.
DONALD N. DUQUETTE,†† B.A., J.D.	DANIEL L. RUBINFELD, B.A., M.S., PH.D.
	CHRISTINA B. WHITMAN, A.B., M.A., J.D.

## *Assistant Professor of Law*

MICHAEL G. ROSENZWEIG, A.B., J.D.

## *Instructor in Law*

ELLEN M. TICKNER,†† B.S., J.D.

## *Lecturer in Law*

ROLF E. BERG,† B.A., J.D.

\* Visiting

\*\* On Leave

† Adjunct

†† Clinical